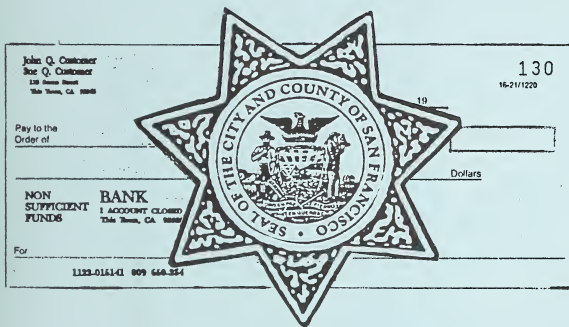




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## *Bad Check Restitution / Prosecution Program*



San Francisco County  
District Attorney's Office

Arlo Smith, District Attorney  
San Francisco, California

5/S



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San Francisco, CA 94102

REFERENCE BOOK

*Not to be taken from the Library*

# DISTRICT ATTORNEY

ARLO SMITH  
DISTRICT ATTORNEY



ROBERT M. PODESTA  
CHIEF ASSISTANT  
DISTRICT ATTORNEY

880 BRYANT STREET, SAN FRANCISCO 94103 (415) 553-1752

TO THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

The writers of bad checks cost businesses and the People of San Francisco hundreds of thousands of dollars every year. Businesses suffer from the loss of income for the goods and services they provide. The People of San Francisco suffer when merchants are forced to raise their prices to cover their losses from this conduct.

My long-held desire to establish a check program has finally been realized. I am pleased to make available this Bad Check Restitution and Diversion Program. It is intended to stop the bad check writer, return money to the merchant, and whenever possible, rehabilitate the offender.

This program will operate without cost to the merchant, the taxpayers, or the City and County of San Francisco. All expenses related to the writing of bad checks will be borne by the offender.

The Bad Check Restitution and Diversion Program will vigorously pursue the collection of restitution owed to victims and offer offenders an alternative to prosecution, which includes an educational and rehabilitative diversion program. Offenders who decline to take advantage of the program and fail to follow up as required by the program will face criminal prosecution.

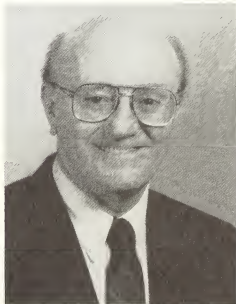
One aspect of our program makes it distinct from all other programs in the State of California. In addition to the services I've already mentioned, the program will also work with the California Community Dispute Services (CCDS) to provide alternate dispute resolution of some situations which involve bad checks and which are more appropriately handled through mediation and arbitration. Our office has worked with CCDS for over a decade and is impressed with the high quality of their services.

This handbook is intended to familiarize you with our program and with the procedures which will be required of merchants who participate in it. I urge you to follow its guidelines and to be an active member of our program. Together we can make it clear that in San Francisco bad check writers will be held accountable for their actions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Arlo Smith", written in a cursive style.

ARLO SMITH  
District Attorney





## **INTRODUCTION**

Under Penal Code 476(a) there is an opportunity for most first-time offenders to enroll in a Diversion Program that will involve taking a Bad Check Class, paying a collection fee, and paying the restitution for the check. This prosecution-based approach means that the District Attorney's office will stand behind each bad check recipient in his/her endeavors to secure what is rightfully theirs. If the check writer does not respond to the recipient, the case will be referred to the District Attorney's Office for handling.

This is a tough approach, but bad checks are a tough problem. In the past, victims of this crime have had few resources upon which to call for help in solving this concern. The law is now in effect and our office is ready to act.

This Merchant's Handbook has been written specifically to help merchants, professionals, and others to minimize their losses due to bad checks. It explains specific procedures to use when you accept checks that will reduce the number of returned checks. It describes the specific procedures that you are to use when requesting a bad check charge against someone who will not pay you for a returned check. It also explains other information about the services that are available to you through the Bad Check Restitution/Prosecution Program of the District Attorney's Office.

The prime objective is to crack down on bad check writing and help each person who experiences a bad check loss to recover the money that belongs to them. A second objective is to educate bad check writers so they will never write another bad check. When the procedures described in this Handbook are followed, the desired results should occur.

Penal Code §476(a) makes the issue of passing a bad check with the intent to defraud a crime. Depending upon the number or amounts, it can be a felony or a misdemeanor.

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## SECTION I

### PROGRAM GUIDELINES

#### **A. Introduction.**

The District Attorney's Bad Check Restitution/Prosecution Program is part of the Criminal Investigation Division. The goal of the program is to promote public and community awareness of the alternative to bad-check losses. Since the enactment of Proposition 8, there has been an ever widening expansion of attempts to recover restitution for the victims of crime. Those who receive bad checks fall squarely within that mandate. Moreover, as the name "Restitution/Prosecution" implies, there will be a focus on recovery of lost monies, as well as filing of criminal charges. Recovery of restitution, like many other factors, will then become a consideration in filing and disposition decisions of any bad check referral.

#### **B. Eligibility.**

It is a prerequisite for eligibility to the program that the payee first make at least two attempts to collect on the check, either by resubmitting the check to a bank or documenting two or three attempts to contact the checkwriter by phone or once by letter.

#### **C. Ineligible Checks.**

We will accept **all bad checks for any amount**, except the following:

1. Checks held for three months or more before depositing to the bank - or checks dated over two years old.
2. Promissory notes and credit extensions on instruments (i.e., post-dated and up-dated checks, or if restitution has been accepted on part of the check and credit extended on the balance, etc.) If the check was post-dated or pre-dated, it constitutes a promissory note.
3. Rent Checks (Landlord-Tenant) **only where there is a civil dispute**. This is to be distinguished from checks received by innkeepers, which should be submitted for complaint if the other criteria is met. Rent deposits or initial and normal payments of rent may be submitted.
4. Two-party checks. A two-party check is any check wherein the name of the payee is different than the entity cashing the check.

5. We will not accept agreement-to-hold checks for prosecution. When you receive a check, if you agree to hold that check for any agreed upon time, then you have extended credit to the maker.

6. **Payroll check problems are handled by Labor Standards Enforcement Bureau.** These types of check cases are their specialty and hence they are better able to assist you in this type of collection problem.

7. Warrants and checks issued by a government or governmental agency because of governmental immunity from suit.

8. Checks issued by a debtor to:

- a. A credit adjustment company he/she has retained, or
- b. A collection agency retained by his/her creditors, for transmission of funds to his/her creditors.

9. Checks which the holder has first given to any private collection agency for action before submission to this program and Judgement was obtained through civil litigation.

10. Checks as to which the insufficiency of funds results from an adjustment to the person's account by the credit institution without notice to the person.

**D. Other Ineligible Bad Checks.**

This program also does not cover:

1. Forgery Cases (P.C. §470).
2. The making of a fictitious check (P.C. §476).
3. Receiving or passing a false instrument (P.C. §475).
4. Where there is a recourse on an endorsed check.
5. Out-of-State checks (unless of a significant amount, i.e., \$5,000.00).



**REMEMBER:** These types of cases may still warrant referral to your local law enforcement agency.

**E. Complaint Referral Procedures.**

Initially, the receiver of the bad check must fill out a Merchant Agreement Form. When the Agreement Form is completed, an Identification Code will be assigned to each merchant which will be used for all further contacts or correspondence between the District Attorney Restitution Program and the merchant. Thereafter, each time service is requested, the receiver must fill out the Request for Assistance Form (See Appendix C). This form constitutes the preliminary bad check report and request for action.

**ONCE THE MERCHANT HAS SUBMITTED A BAD CHECK TO THE PROGRAM, RESTITUTION CANNOT BE ACCEPTED FROM ANYONE OTHER THAN THE DISTRICT ATTORNEY RESTITUTION PROGRAM.**

Forms are available at Chambers of Commerce or by calling the District Attorney Restitution Program at 1-800-454-NSFR (6737). Remember, the sooner our office receives your complaint, the sooner we can begin processing. It is important that the form be correctly and completely filled in. If it is not, the check and the form will be returned to you and this will cause a delay in processing your case.

## SECTION II

### SAFEGUARDS AGAINST TAKING A BAD CHECK

#### A. LOOK AT THE CHECK

(See Appendix A, Steps to Follow When Accepting Checks).

John Q. Customer	1—2781
6—Sue Q. Customer	
123 Any Street	3—90-731
Any Town, CA 95600	12222
	2—Today's Date 19
Pay To The	
Order of 5—Payee must be your company	\$ - 4 -
4—Amounts must be exactly the same	Dollars
Non BANK	
6—Sufficient 1 Account Closed St.	
Funds Any Town, CA 95600	
Memo	6—Customer's Signature
1222-015141 009 650234—3	

1. Does it have a Low Check Number or No Printed Check Number?  
*About 90% of bad checks are drawn on accounts less than one year old. If check numbers are handwritten or are lower than 125, use extra caution.*
2. Is the Date on the Check Accurate?  
*This eliminates the possibility of receiving postdated checks (those dated in the future). A check that was postdated may be a defense under California law.*
3. Look for irregularities.
  - a. California banks have Federal Reserve District Numbers of 12, so check the first two digits of (1) the nine-digit series at the lower left of the check, and (2) the denominator of the fraction at the upper right. If the check names a bank, but the two digit number is not 12, you may have a forged check.
  - b. Special magnetic ink is used for automatic check sorters. It has a dull finish. Check the numbers on the lower left of the check. If they shine or reflect light, the check may be forged.
  - c. You will feel perforations on at least one edge of all legitimate checks except for government checks printed on computer card stock). Most forgers use a regular paper cutter, leaving all four sides smooth.

4. Do the Word Amount and the Number Amount match?
  - a. A check for \$16.25 should read: "Sixteen and twenty-five/100th dollars" or "Sixteen and 25/100ths dollars."
  - b. Check the numerals and the words to see if they appear to be consistent with the other writing. Crowding and any contrast in ink color or density may suggest alteration.
5. Does the Name of the Payee Appear to Have Been Changed?

If the color density or writing of the name appears different, there may have been an alteration. If the check has been made payable to two or more payees in the alternative (e.g., "John Doe or Jane Doe") and the second name appears different in color, density or writing from the first, there may have been an alteration.
6. Is the Check Imprinted?

Does the Signature match?

**B. ALWAYS INSIST UPON IDENTIFICATION!**

1. Primary Identification.
  - a. California driver's license.

**Compare the name, address and signature** on the license with those on the check. **Compare the photo with the person.** Do not accept expired or temporary driver's license.
  - b. California identification card.
2. Secondary Identification.
  - a. Military identification card.
  - b. Work identification with photo.
  - c. **Bank** check guarantee card.

3. **Do Not** accept Social Security cards as identification!

**C. RECORD ALL IDENTIFICATION INFORMATION**

1. Record all information on the front of the check. *During the check clearing process, many banks place inked stamps on the back of the check which could cover up valuable information.*

2. The name or initials of the check receiver must be recorded on the front of the check. *A witness (check receiver) is needed to prosecute a criminal case. The witness must be the person who accepted the check and must be able to identify the check as the one received.* Each "BAD CHECK REPORT" must contain the name, address, and phone number of the witness.
3. Record the driver's license number, home address and telephone number on the check. (Unless already imprinted on the front of the check.)
4. Record any other identifying numbers or information, such as place of employment and phone number.

## SECTION III

### WHAT TO DO WITH A BAD CHECK

#### **A. GUIDELINES**

Before submitting a bad check to the program, the merchant must make at least two attempts to collect on the check, either by resubmitting the check to the bank or documenting two or three attempts to contact the checkwriter by phone or once by letter. Any delays in this process make it more difficult for the program to help you. Checks marked "Account Closed" may be submitted to the program immediately upon receipt from your bank.

#### **B. BAD CHECK REPORT**

The merchant must fill out a **"Bad Check Report"** for **each** check. The report form must be filled out in full before submission to the program. **Incomplete forms will be returned.**

1. Once a victim submits a "Bad Check Report" to the program RESTITUTION cannot be accepted from anyone other than the Restitution Program. The only way the Bad Check Program will work is if all restitution is collected by the Restitution Program.
2. Victims should refer all bad-check writers who contact them to the Restitution Program at 1-800-454-NSFR (6737).

#### **C. RESTITUTION** collected will be handled as follows:

1. When a bad check writer pays restitution to the District Attorney Restitution Program, the payments will be recorded and deposited in a trust account.
2. When the entire amount of the check has been collected, restitution will be sent to the merchants monthly.
3. If restitution efforts are unsuccessful and criminal prosecution is not possible, the check will be returned to the merchant.

#### **D. HOW TO CONTACT THE DISTRICT ATTORNEY RESTITUTION PROGRAM:**

- |                               |                       |
|-------------------------------|-----------------------|
| 1. By Mail:                   | 2. By Telephone:      |
| District Attorney Restitution | 1-800-454-NSFR (6737) |
| c/o Computer Support Services | 1-916-722-3009        |
| 8125 Sunset Ave., Suite 262   | FAX: 1-916-722-3114   |
| Fair Oaks, CA 95628           |                       |

For additional copies of this booklet contact your local Chamber of Commerce or Computer Support Services.

## **SECTION IV**

### **WHAT BECOMES OF THE BAD CHECK WRITER**

As soon as the Restitution Program receives the packet containing the bad checks, the person's name is entered into the computer and a decision is made as to whether the person will be offered the Diversion option or be submitted for prosecution.

If the person is eligible for Diversion, they will be notified in writing that a complaint has been made and they will be offered an opportunity to make restitution plus payment of the collection fee or to contact the Restitution Program with an explanation concerning the check. Those who make payment will be diverted without the requirement of attending the diversion class. The restitution monies will be forwarded at the end of the month to the complainant.

If the person is not eligible for the Diversion program due to previous arrests, previous serious bad check charges, other pending criminal charges, an extensively large check or any other valid prosecutorial reason, they will be referred directly to the Prosecution Unit of the District Attorney's office for the filing of criminal charges. In cases handled through prosecution, it will always be the goal of the office to obtain restitution from the defendant upon disposition.

For those individuals who are eligible for the Diversion Program, in the event that payment or contact is not made within the time set forth in the initial letter, then, pursuant to Penal Code §476a, a second letter will be sent demanding payment within 10 days. This letter will inform the individual that diversion can now only occur by paying a per check statutory administrative fee and complete restitution of the check plus payment of a class fee and attending a six hour diversion class.

For those persons who still do not respond, a "Final Notice" will be sent informing them that the case will be referred to the Prosecution Unit of the District Attorney's Office for review and the potential filing of criminal charges.

In those cases where warrants must be issued, an investigator will be assigned to attempt service on a regular basis. Defendants will be arrested and every attempt will be made to collect all restitution monies and deal appropriately with the offender.

The diversion class is a required part of the Diversion Program and is a one-day, six hour class that uses a group process approach, with participant involvement. The class helps individuals learn about the problems associated with bad checks and to make a commitment never to write another bad check. It also helps them resolve problems in their lives that may be contributing to the bad check writing, as well as instructions on how to properly balance their checkbook and plan their finances.

**SECTION V**  
**STATUTORY AUTHORITY**  
**FOR THE BAD CHECK PROGRAM**

The authority to operate the Bad Check Restitution Program was established under Penal Code sections 1001.60 et seq., effective January 1, 1987.

**CALIFORNIA PENAL CODE**

**CHAPTER 2.9A**

***Bad Check Diversion***

(Added by Stats 1985 ch 10591.)

**Section**

- 1001.60 Creation of program; Adoption of ordinance by board of supervisors
- 1001.61 Referral of cases
- 1001.62 Referral criteria
- 1001.63 Notice to accused
- 1001.64 Terms of agreement to forego prosecution

**Collateral References:**

Witkin & Epstein, Criminal Law (2d ed)§2229.

**§1001.60. Creation of program; adoption of ordinance by board of supervisors**

Upon the adoption of a resolution by the board of supervisors declaring that there are sufficient funds available to fund the program, the district attorney may create within his office a diversion program pursuant to this chapter for persons who write bad checks. For purposes of this chapter, "writing a bad check" means making, drawing, uttering, or delivering any check or draft upon any bank or depository for the payment of money where there is probable cause to believe there has been a violation of Section 476a. The program may be conducted by the district attorney or by a private entity under contract with the district attorney.

Added Stats 1985 ch 1059§1.

**Cross References:**

Making or delivering check with insufficient funds: Pen C §476a.

**§1001.61 Referral of cases**

The district attorney may refer a bad check case to the diversion program. Except as provided in Section 1001.64, this chapter does not limit the power of the district attorney to prosecute bad check complaints.

Added Stats 1985 ch 10591.

#### **1001.62 Referral criteria**

On receipt of a bad check case, the district attorney shall determine if the case is one which is appropriate to be referred to the bad check diversion program. In determining whether to refer a case to the bad check diversion program, the district attorney shall consider, but is not limited to, all of the following:

- (a) The amount of the bad check.
- (b) If the person has a prior criminal record or has previously been diverted.
- (c) The number of bad check grievances against the person previously received by the district attorney.
- (d) Whether there are other bad check grievances currently pending against the person.
- (e) The strength of the evidence, if any, of intent to defraud the victim.

Added Stats 1985 ch 1059§1.

#### **§1001.63. Notice to accused**

On referral of a bad check case to the diversion program, a notice shall be forwarded by mail to the person alleged to have written the bad check which contains all of the following:

- (a) The date and amount of the bad check.
- (b) The name of the payee.
- (c) The date before which the person must contact the person designated by the district attorney concerning the bad check.
- (d) A statement of the penalty for issuance of a bad check.

Added Stats 1985 ch 1059§1.

#### **§1001.64. Terms of agreement to forego prosecution**

The district attorney may enter into a written agreement with the person to forego prosecution on the bad check for a period to be determined by the district attorney, not to exceed six months, pending all of the following:

- (a) Completion of a class or classes conducted by the district attorney or private entity under contract with the district attorney.
- (b) Full restitution being made to the victim of the bad check.
- (c) Full payment of the collection fee, if any, specified in Section 1001.65.

Added Stats 1985 ch 1059 §1.



## Steps to Follow When Accepting Checks

---

### 1. BE CAUTIOUS OF NEW CHECKING ACCOUNTS:

Of all the insufficient, "bad checks", 90% are drawn on accounts less than a year old. The consecutive numbers in the upper right hand corner begin with 101 and you should be especially careful when taking low numbered checks.

### 2. PLACE ALL INFORMATION ON FRONT OF CHECK:

Each of the many steps in the clearing process is documented by stamps on the back of the check. ID information on this side could very easily be covered up and become useless for collection and prosecution purposes. Either write the information consecutively across the top of the check front or use the cross method:

Driver's license number No.	Work address & Phone
Clerk's initials	Other ID or manager's OK

### 3. EXAMINE DRIVERS LICENSE CAREFULLY:

After you have the license out of your customer's wallet and in your hand, quickly ask yourself the following questions:

1. Is the person in the photo and in front of you the same person?
2. Are the addresses on the check and license the same?
3. When does the license expire?

More than 60% of the forged checks last year were cashed with an expired driver's license. Also, the courts have ruled that licenses are legally worthless for identification as soon as they expire. **Be sure you examine the driver's license carefully.**

### 4. PLACE YOUR INITIALS ON ALL CHECKS:

If prosecution occurs, it will be necessary to establish that the person identifying the check passer is the one who actually accepted the check. Put your initials, teller number, or other identification on all checks.

### 5. BE IMPRESSED WITH THE CHECK - NOT THE PERSON:

Don't let the customer's appearance lull you into ignoring any of these steps. Frank Abagnale, the retired master forger, once cashed a \$50.00 check written on a cocktail napkin, before a hidden camera for television, because the bank teller was more impressed with his appearance than by the item he presented. When you are in a hurry or want to make an exception, think how you will defend your decision if the check is returned. Then, only the check will matter - not the circumstances under which you took it.

## Appendix A

# How to Spot Forged Checks

## Check for Perforations

You'll be able to feel perforations on at least one edge of all legitimate checks except for government checks printed on computer card stock. Perforation equipment is expensive and bulky, so most forgers use a regular paper cutter—leaving all four sides smooth.

## Watch for Clues Revealing Color Copies

Magnetic routing numbers at the bottom of a check will be raised off the surface—almost like braille—because of the dull ink's effect on the reflective light duplicating process. The numbers on the copy will be shiny instead of dull. Also, because the color is created by a chemical process rather than by ink, the moisture from your fingers will often cause them to smear an opposite color.

**JOHN R. GOODGUY**  
1234 A. STREET  
FLAGSTAFF, AZ 86001

**NO. 118**

**19 0125 1221**

**PAY TO THE ORDER OF**

**CENTER STATE BANK**  
12TH & PINE  
FLAGSTAFF, AZ 86001

**\$**

**0118**

**DATE**

**CODE**

**FOR**

**0122019390 2068 115718**

## Verify Federal Reserve District Numbers

The nine-place number between the brackets is the routing code for the bank the check is drawn on. The first two indicate which of the 12 Federal Reserve Districts the bank is located in. Refer to the codes below. It is important that you compare this to the location of the bank since a forger will sometimes change these in order to buy more float time while the check is routed to a distant, incorrect Reserve Bank. It should also agree with the routing fraction printed in the upper right hand corner.

### Federal Reserve Bank Codes

01 - Massachusetts	06 - New Hampshire
02 - Connecticut	07 - Rhode Island
03 - New York	08 - New Jersey
04 - Pennsylvania	09 - Delaware
05 - Maryland	10 - Kentucky
11 - Virginia	12 - West Virginia
13 - North Carolina	14 - South Carolina
15 - Georgia	16 - Florida
17 - Alabama	18 - Mississippi
19 - Louisiana	20 - Illinois
21 - Indiana	22 - Michigan
23 - Ohio	24 - Wisconsin
25 - Missouri	26 - Kansas
27 - Nebraska	28 - Oklahoma
29 - Texas	30 - Arkansas
31 - Louisiana	32 - Mississippi
33 - Alabama	34 - Georgia
35 - Florida	36 - South Carolina
37 - North Carolina	38 - Virginia
39 - West Virginia	40 - Kentucky
41 - Tennessee	42 - Missouri
43 - Illinois	44 - Indiana
45 - Michigan	46 - Ohio
47 - Wisconsin	48 - Pennsylvania
49 - New Jersey	50 - New York
51 - Connecticut	52 - Massachusetts
53 - Rhode Island	54 - New Hampshire
55 - Vermont	56 - Maine
57 - New Brunswick	58 - Nova Scotia
59 - Prince Edward Island	60 - Newfoundland

01 - South Dakota	06 - Wisconsin
02 - North Dakota	07 - Minnesota
03 - Iowa	08 - Nebraska
04 - Kansas	09 - Oklahoma
05 - Texas	10 - Arkansas
11 - Louisiana	12 - Mississippi
13 - Alabama	14 - Georgia
15 - Florida	16 - South Carolina
17 - North Carolina	18 - Virginia
19 - West Virginia	20 - Kentucky
21 - Tennessee	22 - Missouri
23 - Illinois	24 - Indiana
25 - Michigan	26 - Ohio
27 - Wisconsin	28 - Pennsylvania
29 - New Jersey	30 - New York
31 - Connecticut	32 - Massachusetts
33 - Rhode Island	34 - New Hampshire
35 - Vermont	36 - Maine
37 - New Brunswick	38 - Nova Scotia
39 - Prince Edward Island	40 - Newfoundland

01 - South Dakota	06 - Wisconsin
02 - North Dakota	07 - Minnesota
03 - Iowa	08 - Nebraska
04 - Kansas	09 - Oklahoma
05 - Texas	10 - Arkansas
11 - Louisiana	12 - Mississippi
13 - Alabama	14 - Georgia
15 - Florida	16 - South Carolina
17 - North Carolina	18 - Virginia
19 - West Virginia	20 - Kentucky
21 - Tennessee	22 - Missouri
23 - Illinois	24 - Indiana
25 - Michigan	26 - Ohio
27 - Wisconsin	28 - Pennsylvania
29 - New Jersey	30 - New York
31 - Connecticut	32 - Massachusetts
33 - Rhode Island	34 - New Hampshire
35 - Vermont	36 - Maine
37 - New Brunswick	38 - Nova Scotia
39 - Prince Edward Island	40 - Newfoundland

### Other Negotiable Instrument Codes

On drafts issued by savings and loan institutions and mutual savings banks, magnetic bank routing numbers may start with the digit 2 or 3. Credit union drafts are honored by the bank on which they are drawn. International Traveler's checks have routing numbers starting with 8000. U.S. Government

# PRELIMINARY BAD-CHECK REPORT AND REQUEST FOR COMPLAINT

Mail To: San Francisco County  
District Attorney Restitution  
8125 Sunset Avenue, Suite 262  
Fair Oaks, California 95628

Arlo Smith, District Attorney  
County of San Francisco, California  
\*\*\* 1-800-454-NSFR (6737) \*\*\*

MASTER FILE NUMBER		CASE NUMBER		COURT FILE NUMBER					
<b>TO BE FILLED OUT BY PERSON WHO ACCEPTED THE CHECK</b> <i>(Please fill out form as completely as you can.)</i>									
VICTIM OR FIRM NAME		RESIDENCE OR FIRM ADDRESS, ZIP			BUS. PHONE				
VICTIM'S OCCUPATION		TYPE OF BUSINESS		AMOUNT OF LOSS	AMT CASH BACK IF ANY				
DATE & TIME OCCURRED		ADDRESS OF LOCATION OF OCCURRENCE			DATE SUBMITTED FOR RESTITUTION				
PERSON REPORTING		RESIDENCE ADDRESS, ZIP			RESIDENCE PHONE				
ACCEPTOR OF CHECK		RESIDENCE ADDRESS, ZIP			RESIDENCE PHONE				
WITNESS NAME		RESIDENCE ADDRESS, ZIP			RESIDENCE PHONE				
I.D. USED TO PASS CHECK:		I.D. #		TYPE OF MERCHANDISE OBTAINED (MODEL, SERIAL#, VALUE, ETC.)					
SUSPECT VEHICLE DESCRIPTION & LICENSE NUMBER									
WAS CHECK OR ENDORSEMENT WRITTEN IN ACCEPTOR'S PRESENCE?		YES	NO	SPECIFY WHAT PART (FACE OR ENDORSEMENT)					
CAN ACCEPTOR I.D. SUSPECT?	WAS SUSPECT COMPARED WITH I.D.?	WAS CHECK RECEIVED BY MAIL?	WAS CHECK POSTDATED?	WAS CHECK PREDATED?	AGREEMENT TO HOLD?				
YES NO	YES NO	YES NO	YES NO	YES NO	YES NO				
<b>EFFORTS TAKEN TO CONTACT MAKER OF THIS CHECK:</b> CHECK RESUBMITTED TO BANK, RETURNED NSF: _____ ACCOUNT CLOSED: _____ REFER TO MAKER: _____ UNABLE TO LOCATE: _____ LOST OR STOLEN: _____ STOP PAYMENT: _____ FORGERY: _____									
PHONE CALLS / DATE:			LETTERS / DATE:						
OTHER: (PLEASE EXPLAIN)									
SUSPECT	NAME:		SEX	RACE	HAIR	EYES	HT.	WT.	DOB
	RESIDENCE ADDRESS & PHONE			BUSINESS ADDRESS & PHONE					

The check(s) in question is(are) submitted for criminal prosecution. By submitting this check(s) for prosecution, I agree NOT to accept restitution from the suspect or his/her agent. I certify that this report is true, accurate and complete to the best of my knowledge.

DATE: \_\_\_\_\_

Signature & Title

# SUGGESTED POLICY

- A. Read every check carefully for the following eight points:**
1. Must be Personalized - Complete name and address preprinted by the bank - (no P.O. Boxes).
  2. Date must be current - Never post-dated or more than 60 days old.
  3. Bank I.D. Number.

John Q. Customer		2781
1—Sue Q. Customer		
123 Any Street		3—90-731
Any Town, CA 95600		12222
		2—Today's Date 19
Pay To The		
Order of	4—Payee must be your company	\$ - 5 -
5—Amounts must be exactly the same		Dollars
Non	BANK	
6—Sufficient	1 Account Closed St.	
Funds	Any Town, CA 95600	
Memo	8—Customer's Signature	
1222-015141 009 850234—7		

4. Payee must be your company.
  5. Amounts written and numerical must be the same.
  6. Bank name and address must be printed on check.
  7. Bank and customer computer numbers must be printed on check.
  8. Customer signature - must be signed in your presence.
- B. Ask to see one of the following types of identification:**
1. California driver's license.
  2. California I.D. Card.
- C. Ask to see a secondary Identification:**
1. Military I.D.
  2. Other card with photo or signature.
  3. Bank check guarantee card.
- D. Ask and note the person's place of employment.**
- E. Always look to see that signatures on the check and I.D. match.**
- F. DO NOT ACCEPT out-of-area checks.**
- G. DO NOT ACCEPT non-personalized checks.**
- H. Cash back Checks:**
1. Personal check should be for the amount of purchase, or the amount of purchase plus a maximum of \$25.00 cash back.
- I. Avoid taking:**
1. Two-party checks.
  2. Out-of-State checks.
  3. Altered checks.
  4. Income tax checks.
  5. Insurance claim checks.
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1. Can only be used on pre-printed checks.
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- K. Payroll or business checks:**
1. Payee must be local.
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  3. The payee and maker should not be the same person.
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  5. Must be endorsed in your presence with name exactly as printed on front of check.
  6. One I.D. should always be California driver's license, California I.D. or Military I.D.

## REMEMBER

1. USE COMMON SENSE: IF IN DOUBT, CALL THE BANK AND VERIFY THAT CHECK IS GOOD.
2. BE DOUBLY CAUTIOUS ON WEEKENDS AND HOLIDAYS.
3. DO NOT PERMIT YOURSELF TO BECOME FLUSTERED BY THE SHOPPER WHO IS IN A RUSH. BE COURTEOUS, BUT CAREFUL.
4. WEIGH THE POSSIBLE LOSS YOU MAY TAKE AGAINST THE GAIN?





*Computer Support Services*

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DISTRICT ATTORNEY RESTITUTION

8125 Sunset Avenue, Suite 262 \* Fair Oaks, California 95628 \*

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# MERCHANT'S AGREEMENT

TO: San Francisco District Attorney  
Check Restitution Program  
c/o Computer Support Services  
8125 Sunset Ave. Suite 262  
Fair Oaks, California 95628

Phone: 1-800-454-NSFR (6737)  
1-916-722-3009  
FAX: 1-916-722-3114

It is my intention to submit checks that have been returned to me as non-sufficient fund items to the District Attorney Bad Check Restitution/ Prosecution Program. By this Agreement, I acknowledge that the program is a prosecution program and that I am aware that restitution is not a bar to prosecution.

I agree to cooperate with your staff and to appear as a witness or have my staff appear as witnesses as required for prosecution. I further agree that once a check has been submitted I will **NOT** accept restitution from anyone, except the District Attorney's Bad Check Restitution/Prosecution Unit.

If I do accept restitution from anyone other than the District Attorney, I am undermining the deterrent effect of the Bad Check Restitution/Prosecution Program which must be maintained. I could also be liable for a collection fee and could be excluded from future service by the Program.

By this Agreement, when I forward a check to the Bad Check Restitution/Prosecution Program I am foregoing my right to personally collect any service or handling charge. These charges, if any, will be collected through the Bad Check Restitution/Prosecution Program.

I am aware of and fully understand that the District Attorney's Bad Check Restitution/Prosecution Unit is providing Check Restitution as a public service and is held harmless and has no liability for the inability to make recovery of any check(s). I also understand that the District Attorney's Bad Check Restitution/Prosecution Unit will pursue any and all legal remedies for recovery of any check(s) available to its office which it deems appropriate.

I understand and agree that the District Attorney's Check Restitution/Diversion Program may determine the submitted check is most appropriately referred to arbitration through California Community Dispute Services. I agree that in the event a disputed check is processed by arbitration, I will accept and abide by the decision of the arbitrator, including the possible payment of a Twenty Five Dollar (\$25.00) administrative fee.

I have received a copy of the Program Guidelines and understand that I must complete a "Request for Assistance" form for each check being submitted and follow the procedures outlined in the Guidelines. I agree to submit all NSF checks to the bank twice or to make at least two efforts to collect the check before submitting it to the Program. These requirements may be met by making and documenting at least two telephone calls to the check writer or by sending a letter to the checkwriter demanding payment.

By this Agreement, I also acknowledge that I have been made aware of the necessary identification and information needed to successfully collect restitution and/or criminally prosecute, if necessary.

**ALWAYS DEMAND IDENTIFICATION.** The primary identification is a California Driver's License. **Compare** the name, address and signature on the license with those on the check. **Compare** the photo with the check writer. The purpose of requiring identification documents is to minimize the chance of receiving a bad check, and to strengthen a successful prosecution when a bad check is received. The acceptor of the check **must be able** to identify the check writer in court.

\_\_\_\_\_  
(Signature)

Please Type or Print the following information:

\_\_\_\_\_  
(Company Name)

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Contact Name)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(City, State, Zip)

My Bank Charge per check return: \$ \_\_\_\_\_ (Please attach a document from your bank verifying the charge to you per bad check.)





# PRELIMINARY BAD-CHECK REPORT AND REQUEST FOR COMPLAINT

Mail To: San Francisco District Attorney  
Check Restitution Program  
c/o Computer Support Services  
8125 Sunset Avenue, Suite 262  
Fair Oaks, California 95628

**Ario Smith, District Attorney**  
**City and County of San Francisco, California**  
\*\*\* 1-800-454-NSFR (6737) \*\*\*

MASTER FILE NUMBER	CASE NUMBER	COURT FILE NUMBER
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TO BE FILLED OUT BY PERSON WHO ACCEPTED THE CHECK (Please fill out form as completely as you can.)

VICTIM OR FIRM NAME	RESIDENCE OR FIRM ADDRESS, ZIP	BUS. PHONE
VICTIM'S OCCUPATION	TYPE OF BUSINESS	AMOUNT OF LOSS
DATE & TIME OCCURRED	ADDRESS OF LOCATION OF OCCURRENCE	AMT CASH BACK IF ANY
PERSON REPORTING	RESIDENCE ADDRESS, ZIP	DATE SUBMITTED TO D.A.
ACCEPTOR OF CHECK	RESIDENCE ADDRESS, ZIP	RESIDENCE PHONE
WITNESS NAME	RESIDENCE ADDRESS, ZIP	RESIDENCE PHONE

I.D. USED TO PASS CHECK	I.D. #	TYPE OF MERCHANDISE OBTAINED (MODEL, SERIAL#, VALUE, ETC.)
SUSPECT VEHICLE DESCRIPTION & LICENSE NUMBER		

WAS CHECK OR ENDORSEMENT WRITTEN IN ACCEPTOR'S PRESENCE?		YES	NO	SPECIFY WHAT PART (FACE OR ENDORSEMENT)			
CAN ACCEPTOR I.D. SUSPECT?	WAS SUSPECT COMPARED WITH I.D.?	WAS CHECK RECEIVED BY MAIL?	WAS CHECK POSTDATED?	WAS CHECK PREDATED?	AGREEMENT TO HOLD?	ANY PAYMENT RECEIVED?	
YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	

EFFORTS TAKEN TO CONTACT MAKER OF THIS CHECK:			
CHECK RESUBMITTED TO BANK, RETURNED NSF: LOST OR STOLEN: _____	ACCOUNT CLOSED: _____ STOP PAYMENT: _____	REFER TO MAKER: _____ FORGERY: _____	UNABLE TO LOCATE: _____
PHONE CALLS / DATE:		LETTERS / DATE:	
OTHER: (PLEASE EXPLAIN)			

<b>SUSPECT</b>	NAME:	SEX	RACE	HAIR	EYES	HT.	WT.	DOB
	RESIDENCE ADDRESS & PHONE	BUSINESS ADDRESS & PHONE						

The check(s) in question is(are) submitted for criminal prosecution. By submitting this check(s) for prosecution, I agree NOT to accept restitution from the suspect or his/her agent. I certify that this report is true, accurate and complete to the best of my knowledge.

DATE: \_\_\_\_\_

Signature & Title

STAPLE CHECK HERE

- A. Read every check carefully for the following eight points:
1. Must be Personalized - Complete name and address preprinted by the bank - (no P.O. Boxes).
  2. Date must be current - Never post-dated or more than 60 days old.
  3. Bank I.D. Number.

John Q. Customer		2781
1—Sue Q. Customer		3—90-731
123 Any Street		12222
Any Town, CA 95600		2—Today's Date 19
Pay To The	4—Payee must be your company	\$ - 5 -
Order of	5—Amount must be exactly the same	Dollars
Non	BANK	
6—Sufficient	1 Account Closed St.	
Funds	Any Town, CA 95600	
Memo	8—Customer's Signature	
1222-015141 009 650234—7		

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# WARNING!!!

This business reports bad-check writers to the  
**DISTRICT ATTORNEY'S OFFICE.**

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Passing a bad check with intent to defraud is a crime. Failure to pay upon demand is considered presumptive evidence of knowledge of the insufficiency of funds.

California Penal Code Sections 476a, 476a(c)

**If your check bounces...**

**You could be arrested and prosecuted.**

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**PROTECT YOURSELF.** Be sure you have adequate funds on deposit before you write that check.



**ARLO SMITH**

District Attorney  
County of San Francisco

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